

## FORMAL WARNING

### under section 205XA of the *Broadcasting Services Act 1992*

**To:** BPCE (Corporation number 493 455 042)

**Attention:** [REDACTED]  
[REDACTED]

I, Jenny Allen, an authorised infringement notice officer of the Australian Communications and Media Authority (ACMA) appointed under section 205ZE of the *Broadcasting Services Act 1992* (the BSA), having reasonable grounds to believe that BPCE (Corporation number 493 455 042) has contravened subsection 74G(1) of the BSA, being a designated infringement notice provision;

**HEREBY** gives BPCE a formal warning under section 205XA of the BSA for contraventions of subsection 74G(1) of the BSA, and warns BPCE that I, or another authorised infringement notice officer, may be entitled to give BPCE an infringement notice relating to the contraventions, or similar contraventions.

#### **Obligations under subsection 74G(1) of the BSA**

Subsection 74G(1) of the BSA states that:

If a person who was a foreign stakeholder in an Australian media company has ceased to be a foreign stakeholder in the company, the person must, within 30 days after the cessation, notify the ACMA in writing of:

- (a) the cessation; and
- (b) the circumstances that resulted in the cessation

Subsection 74G(5) of the BSA provides that a person is not required to notify information under subsection 74G(1) of the BSA if the information might tend to incriminate the person or expose the person to a penalty.

Subsection 74G(3) provides that a person commits a separate contravention in respect of each day during which the contravention continues.

Subsection 74G(4) of the BSA provides that subsection 74G(1) of the BSA is a designated infringement notice provision.

Section 205XA of the BSA provides that an authorised infringement notice officer may issue a formal warning if the officer has reasonable grounds to believe that a person has contravened a designated infringement notice provision.

## Details of the contravention

I have satisfied myself, as an authorised infringement notice officer of the ACMA, that BPCE ceased to be a foreign stakeholder in the following Australian media companies on 20 June 2023:

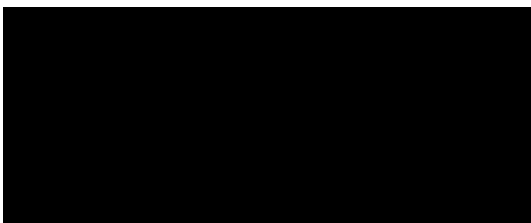
- Canberra FM Radio Pty Ltd
- Broken Hill Television Pty Ltd
- Central Digital Television Pty Ltd
- Darwin Digital Television Pty Ltd
- North Queensland Broadcasting Corporation Pty Ltd
- Australian Capital Television Pty Ltd
- Barrier Reef Broadcasting Pty Ltd
- Belcap Investments Pty Ltd
- Central Coast Radio Pty Ltd
- Commercial Radio Coffs Harbour Pty Ltd
- Consolidated Broadcasting System (WA) Pty Ltd
- Dubbo FM Radio Pty Ltd
- Elldale Pty Ltd
- Esperance Broadcasters Pty Ltd
- FNQ Broadcasters Cairns Pty Ltd
- Forsby Pty Ltd
- Geraldton FM Pty Ltd
- Gold Coast FM Pty Ltd
- Gold Radio Service Pty Ltd
- Goulburn and Border Broadcasters Pty Ltd
- Great Northern Broadcasters Pty Ltd
- Great Southern Land Broadcasters Pty Ltd
- Greater Cairns Radio Pty Ltd
- Maryborough Broadcasting Company Pty Ltd
- Mid-Coast Broadcasters Pty Ltd
- Mid-Districts Radio Pty Ltd
- Nessian Pty Ltd
- North Queensland Broadcasting Corporation Pty Ltd
- North West Radio Pty Ltd
- Perth FM Radio Pty Ltd
- Radio 2GZ Pty Ltd
- Radio 2RG Pty Ltd
- Radio 3BO Pty Ltd
- Radio 3CV Pty Ltd
- Radio 3MA Pty Ltd
- Radio 6am Pty. Ltd
- Radio Albury Wodonga Pty Ltd
- Radio Newcastle Pty Ltd
- Radio West Broadcasters Pty Ltd
- Regional Broadcasters Australian Pty Ltd

- Regional Television Pty Limited
- Riverina Broadcasters (Holdings) Pty Ltd
- Rockhampton Broadcasting Co. Pty Ltd
- SCA Digital Pty Ltd
- Sea FM Central Coast Pty Ltd
- Sea FM Gold Coast Pty Ltd
- South Eastern Broadcasters Pty Ltd
- Southern Cross Communications Pty Ltd
- Southern Cross Television (Tnt9) Pty Ltd
- Spencer Gulf Telecasters Pty Ltd
- Tablelands Broadcasting Pty Ltd
- Today FM Brisbane Pty Ltd
- Today FM Sydney Pty Ltd
- Townsville Broadcasters Pty Ltd
- Triple M Adelaide Pty Ltd
- Triple M Brisbane Pty Ltd
- Triple M Melbourne Pty Ltd
- Triple M Sydney Pty Ltd
- Votrait No. 691 Pty Ltd
- Whitsundays Broadcasters Pty Ltd
- Tasmanian Digital Television Pty Ltd

and did not notify the ACMA in writing of the matters specified in subsection 74G(1) of the BSA within 30 days after that time. Therefore, as BPCE did not notify the ACMA until 4 August 2023, I have reasonable grounds to believe that it contravened subsection 74G(1) of the BSA from 21 July 2023 to 3 August 2023.

BCPE has claimed that the failure to notify the ACMA in accordance with subsection 74G(1) of the BSA was inadvertent, that BCPE has, in good faith, taken reasonable steps to comply with the notification requirements and that all relevant notifications were subsequently made.

Dated this 22<sup>nd</sup> day of September 2023.



**Jenny Allen**

**Authorised infringement notice officer under section 205ZE of the BSA**